

REMARKS

Claims 1-18 are pending in the application with claims 1 and 3-18 being retained. As stated in the Office Action, claims 11-17 stand rejected under 35 U.S.C. §112, first paragraph. Also, claims 1-5, 8-12, 14, 17, and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by the Wagner patent (U.S. No. 5,564,122). Additionally, claims 6, 7, 13, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner patent. The Applicant respectfully requests the Examiner to reconsider the claims in view of the above amendments and for the remarks submitted below.

The Section 112, First Paragraph, Rejection:

Claims 11-17 stand rejected under 35 U.S.C. 112, first paragraph, because there is no support in the specification for the last paragraph of claim 11, which recites "at least the top portion deforming when the blocking pad is contacted by a volleyball so as to minimize torque applied to a user's wrist." The Applicant respectfully traverses this rejection.

As shown in Figures 2 and 4 of the originally-filed application, the training device has a top portion that deforms or bends backward when struck by the volleyball. One skilled in the art will understand that utilizing the kinetic energy of the volleyball for deforming the top portion of the training device decreases the amount of torque applied to the user's wrist, as well as minimizes the harshness of the impact by the volleyball.

Nonetheless, by this Amendment, the Applicant has added new paragraph [0021.1] to clarify the above subject matter as inherently disclosed in Figures 2 and 4 in the original application.

It is therefore respectfully submitted that claims 11-17 are sufficiently supported by the specification and are allowable.

The Section 102(b) Claim Rejections:

Claims 1-5, 8-12, 14, 17, and 18 are rejected under 35 U.S.C 102(b) as being anticipated by the Wagner patent. The Applicant respectfully traverses this rejection.

The Examiner points to the inner surface 5a of the blocker 1 as disclosed in the Wagner patent for teaching the limitation of the base portion of the training device. Specifically, the Wagner patent (col. 2, lines 26-31; Figures 2 and 4) discloses a blocker having an inner surface 5a with a glove 5 mounted to a central portion of the inner surface 5a. However, independent claims 1, 11, and 18 recite a training device having a rear side with a base portion and a top portion that is distal to the base portion. The base portion of the rear side has a hand-receiving portion extending therefrom. This feature is beneficial for decreasing the height to which the user must jump and minimizing the length by which he

must extend his arm for blocking a ball. In this way, the user can conserve energy and even react somewhat more slowly while still blocking the ball. On the other hand, the Wagner patent teaches a glove member attached to a central portion of the blocker. The broadest reasonable interpretation of "base portion" does not include the central portion of the inner surface 5a disclosed in the Wagner patent. In this regard, the Wagner patent does not teach the recited construction and does not provide the benefits of an extended reach associated therewith. Thus, the Applicant respectfully submits now and will assert on appeal that claims 1-5, 8-12, 14, 17, and 18 are novel and allowable.

Regarding claim 11, the Examiner points to Figure 6 of the Wagner patent for implicitly teaching a top portion that deforms for minimizing torque on a user's wrist. The Applicants respectfully disagree. Specifically, the Wagner patent (col. 2, lines 36-56; the Abstract) teaches a blocker 1 having an angled upper area 3 for deflecting a puck outwardly, e.g. toward the corner of the hockey rink. In other words, that Wagner patent (Abstract) discloses that the upper angled area 3 is utilized for preventing the puck from dropping drop directly in front of the net where rebounding offensive player can score a goal. One skilled in the art will understand that deflecting a puck outwardly requires that the angled upper area absorb a substantially small amount of the puck's kinetic energy. In this way, the Wagner patent teaches that the angled upper area remains substantially undeformed so as to maintain a sufficiently high kinetic energy level of the puck for deflecting the puck. However, the recited top portion of the training device is sufficiently deformable for minimizing torque on a user's wrist so as to cushion the volleyball and substantially decrease the kinetic energy of the volleyball. For this additional reason, the Applicant submits and will assert on appeal that claims 11, 12, 14, and 17 are novel and allowable.

The Section 103(a) Rejections:

Claims 6, 7, 13, 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner patent. Figure 1 of the Wagner patent shows a backhand side of a glove mounted to the blocking pad. It will be appreciated that modifying the blocking pad so that the palm side of the glove is attached to the blocker would prevent the hockey goalie from simultaneously blocking the puck with the blocking pad and holding his goalie stick. This modification would deviate from a primary objective of the hockey goalie blocking pad. It is therefore respectfully submitted that no motivation exists to modify the Wagner patent to attach the palm side of the glove to the blocker.

Also, as detailed above, the Wagner patent does not teach or suggest a top portion of the training device deforming when the volleyball blocking pad is contacted by a volleyball.

In fact, the Wagner patent teaches a substantially rigid upper angled area 3 for deflecting a puck outwardly, e.g. toward a corner of a hockey rink. Thus, the Wagner patent teaches away from a top portion that is substantially deformable.

Moreover, it is understood that claims 6 and 7, which depend from claim 1, necessarily include several limitations not taught or suggested by the Wagner patent. Likewise, claims 13, 15, and 16, which depend from claim 11, must include limitations that are not taught or suggested by the Wagner patent.

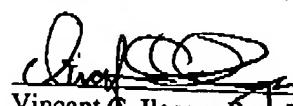
Therefore, the Applicant respectfully submits now and will assert on appeal that claims 6, 7, 13, 15, and 16 are nonobvious and allowable notwithstanding the Wagner patent.

Conclusion:

For the above amendments and remarks, the Applicant submits that all claims remaining in the case are now in a condition for allowance. A Notice of Allowance is therefore earnestly solicited.

The Examiner is invited to contact the undersigned attorney should any questions arise.

Respectfully Submitted,



Vincent G. Ilagan, Reg. No. 53,053
Artz & Artz, P.C.
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Attorney for Applicant

Dated: January 3, 2005